

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 91

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROVIDE THAT NO VEHICLE SHALL BE OPERATED ON ANY PUBLIC HIGHWAY UNLESS SUCH VEHICLE'S LOAD IS SECURELY FASTENED OR COVERED TO PREVENT THE LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT NO PERSON MAY OPERATE A VEHICLE ON A PUBLIC HIGHWAY WITH ANY LOAD UNLESS THE LOAD AND CERTAIN COVERING IS SECURELY FASTENED TO PREVENT THE COVERING OR LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE THAT ANY VEHICLE OPERATING ON A PAVED PUBLIC HIGHWAY WITH A LOAD OF DIRT, SAND OR GRAVEL SUSCEPTIBLE TO BEING DROPPED, SPILLED, LEAKED OR OTHERWISE ESCAPING FROM THE VEHICLE SHALL BE COVERED TO PREVENT SPILLAGE AND TO PROVIDE FOR EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-613, Idaho Code, be, and the same is hereby amended to read as follows:

49-613. PUTTING GLASS OR OTHER INJURIOUS MATERIALS ON HIGHWAY PROHIBITED. The following shall apply to persons and vehicles not otherwise exempted from the application of this section by federal or state law:

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon the highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove that material or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from that vehicle.

(4) No vehicle shall be operated on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping or otherwise escaping therefrom. Such load shall be securely fastened or covered to prevent the load from becoming loose, detached or becoming a hazard to other users of the highway. The provisions of this subsection shall not apply to the hauling or transport of any timber, agricultural or livestock product or byproduct raised or grown and offered for sale.

(5) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (6) of this section is securely fastened to prevent the covering or load from becoming loose, detached or becoming a hazard to other users of the highway. The provisions of this subsection shall not apply to the hauling or trans-

1 port of any timber, agricultural or livestock product or byproduct raised or
2 grown and offered for sale.

3 (6) Any vehicle operating on a paved public highway with a load of dirt,
4 sand or gravel susceptible to being dropped, spilled, leaked or otherwise
5 escaping therefrom shall be covered so as to prevent spillage. Covering
6 of such loads is not required if six (6) inches of freeboard is maintained
7 within the load bed. The provisions of this subsection shall not apply to
8 the hauling or transport of any timber, agricultural or livestock product or
9 byproduct raised or grown and offered for sale.

10 (7) The provisions of this section shall not apply to vehicles oper-
11 ated by the employees or agents of, or owned by canal companies, irrigation
12 districts or their boards of control, lateral ditch associations, water dis-
13 tricts or any other irrigation water delivery or management entities.